

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

LESLIE T. GATLING,

Plaintiff,

v.

ACTION NO. 2:04cv436

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the decision of the Secretary of Health and Human Services denying his claims for disability insurance benefits and supplemental security income benefits under the Social Security Act.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 29 the Rules of the United States District Court for the Eastern District of Virginia, by order of reference entered October 26, 2004, for report and recommendation. Report of the magistrate judge was filed on January 11, 2006, recommending that defendant's motion for summary judgment be granted, and plaintiff's motion for summary judgment be denied. By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court received plaintiff's "Disagreement with Courts [sic] Recommendation" on February 14, 2006. On February 21, 2006, the court received

Defendant's Response to Plaintiff's Objections to United States
Magistrate Judge's Report and Recommendation.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed January 11, 2006. Accordingly, plaintiff's motion for summary judgment is DENIED, defendant's motion for summary judgment is GRANTED. The Clerk shall enter judgment in favor of defendant.

Plaintiff may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment. For the reasons stated in said report, the court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of probable cause for appeal.

The Clerk shall forward a copy of this Order to the plaintiff and to counsel of record for the defendant.

Norfolk, Virginia

March 1, 2006

/s/
Rebecca Beach Smith